

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Giuseppe & Rita Cianci

Case No.: 16-19448

Judge: KCF

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

<input type="checkbox"/> Original	<input checked="" type="checkbox"/> Modified/Notice Required	<input checked="" type="checkbox"/> Discharge Sought
<input type="checkbox"/> Motions Included	<input type="checkbox"/> Modified/No Notice Required	<input type="checkbox"/> No Discharge Sought

Date: November 7, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 259.00 per month to the Chapter 13 Trustee, starting on June 1, 2016 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings
 Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property

Description:

Proposed date for completion: _____

Refinance of real property:

Description:

Proposed date for completion: _____

Loan modification with respect to mortgage encumbering property:

Description: 61 Hawthorne Drive, Tinton Falls, NJ 07753

Proposed date for completion: _____ March 1, 2017

d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
George E. Veitengruber	Attorney Fees	\$2,500.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bank of America Fox Chase IV	61 Hawthorne Drive, Tinton Falls NJ 07753	\$163,655.01 \$13,108.16	6.00	163,655.01 \$13,108.16	2350 180

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
PNC Bank	61 Hawthorne Drive Tinton Falls NJ 07753	83678.49	292,000.00	444373.48	0	0	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

Pro Rata distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
PNC Bank	61 Hawthorne Drive, Tinton Falls NJ 07753	83,678.49

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

Upon confirmation
 Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Fees
- 3) Secured Creditors
- 4) Unsecured Creditors

d. Post-Petition Claims

The Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: May 27, 2016.

Explain below why the plan is being modified: Fox Chase Filed POC	Explain below how the plan is being modified: Added Fox Chase to cure arrearage
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Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: November 7, 2016

/s/ George E. Veitengruber
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: November 7, 2016

/s/ Giuseppe Cianci
Debtor

Date: November 7, 2016

/s/ Rita Cianci
Joint Debtor

Certificate of Notice Page 8 of 9
United States Bankruptcy Court
District of New JerseyIn re:
Giuseppe Cianci
Rita Cianci
DebtorsCase No. 16-19448-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 55

Date Rcvd: Nov 10, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 12, 2016.

db/jdb +Giuseppe Cianci, Rita Cianci, 61 Hawthorne Drive, Tinton Falls, NJ 07753-7575
 aty +KML Law Group, P.C., 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 lm +Bank of America, NA, 7105 Corporate Drive, Plano, TX 75024-4100
 cr +Fox Chase IV, Phase II Condominium Association, In, Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, NJ 07726-8635
 516180323 +BCA Financial Servicer's Inc., 18001 Old Cutler Road, Suite 462, Miami, FL 33157-6437
 516180320 +Bank of America Home Loans, 7105 Corporate Drive, Plano, TX 75024-4100
 516180321 +Barclay's Bank, P.O. Box 803, Wilmington, DE 19899-0803
 516180324 +Boscov's, P.O. Box 71106, Charlotte, NC 28272-1106
 516362799 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516180328 +Cutolo Mandell LLC, 151 Highway 33 East, Suite 204, Englishtown, NJ 07726-8635
 516180329 +Diagnostic Laboratory Service, 520 E. 22nd St. Lombard, Lombard, IL 60148-6110
 516180330 +EMA Monmouth Emerg Med, P.O. Box 417442, Boston, MA 02241-7442
 516180331 +Fingerhut Advantage, P.O. Box 166, Newark, NJ 07101-0166
 516180332 +First Premier Bank, P.O. Box 5519, Sioux Falls, SD 57117-5519
 516180333 +Fox Chase IV, 4 Walter E. Foran Blvd., Flemington, NJ 08822-4668
 516253898 +Fox Chase IV, Phase II Condominium Association, In, c/o Cutolo Mandel LLC, 151 Highway 33 East, Suite 204, Manalapan, New Jersey 07726-8635
 516180335 +KML Law Group PC, Sentry Office Plaza, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 516180337 +Lane Bryant/Comenity Bank, P.O. Box 659728, San Antonio, TX 78265-9728
 516389011 MANUFACTURERS AND TRADERS TRUST COMPANY ALSO KNOWN, Bank of America, PO Box 31785, Tampa, FL 33631-3785
 516316444 +Midland Funding, LLC, P.O. Box 2011, Warren, MI 48090-2011
 516180339 Monmouth County Sheriff's Office, 2500 Kozloski Road, Freehold, NJ 07728
 516180341 +Monmouth Medical Imaging PA, P.O. Box 1259, DEPT. #88679, Oaks, PA 19456-1259
 516180342 +Montgomery Ward, 3650 Milwaukee Street, Madison, WI 53714-2304
 516259169 +Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516180343 +Orsini Gilson and Miller MD PC, 223 Monmouth Road, West Long Branch, NJ 07764-1024
 516180345 PNC Bank, P.O. Box 742032, Pittsburgh, PA 15274
 516180344 +Pendrick Capital Partners, P.O. Box 1022, Wixom, MI 48393-1022
 516180346 +Power UP, P.O. Box 659820, San Antonio, TX 78265-9120
 516180325 +SOUTHERN OCEAN MEDICAL CENTER, Celentano Stabtmauer & Walentowicz LLP, 1035 Route 46 East, Suite B208, Clifton, NJ 07013-2469
 516180347 +Seventh Avenue, 1112 7th Avenue, Monroe, WI 53566-1364
 516259168 +Seventh Avenue, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516400158 +Southern Ocean Medical Center, c/o Celentano Stadtmauer & Walentowicz, PO Box 2594, Clifton, NJ 07015-2594
 516180348 +Stoneberry, P.O. Box 2820, Monroe, WI 53566-8020
 516259171 +Stoneberry, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 516180349 Target National Bank, 2701 Wayzata Boulevard, Minneapolis, MN 55416
 516180350 Tmobile, Attn: Bankruptcy Department, P.O. Box 54310, Bellevue, WA 98015

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 10 2016 22:59:05 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 10 2016 22:59:04 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516180319 +E-mail/PDF: gecscedi@recoverycorp.com Nov 10 2016 22:55:57 Amazon, P.O. Box 960013, Orlando, FL 32896-0013
 516180322 +E-mail/Text: ebn@barnabashealth.org Nov 10 2016 22:59:27 Barnabis Health, P.O. Box 903, Oceanport, NJ 07757-0903
 516180326 +E-mail/Text: bankruptcy@certifiedcollection.com Nov 10 2016 22:58:50 Certified Credit & Collection Bureau, P.O. Box 336, Raritan, NJ 08869-0336
 516180327 +E-mail/Text: creditonebknotifications@resurgent.com Nov 10 2016 22:58:21 Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
 516180334 +E-mail/PDF: gecscedi@recoverycorp.com Nov 10 2016 22:55:57 JC Penney, P.O. Box 9600090, Orlando, FL 32896-0001
 516180336 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 10 2016 22:58:28 Kohls/Capital One, P.O. Box 3115, Milwaukee, WI 53201-3115
 516360803 E-mail/PDF: resurgentbknotifications@resurgent.com Nov 10 2016 22:56:08 LVNV Funding, LLC its successors and assigns as, assignee of FNB, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516356517 E-mail/Text: bkr@cardworks.com Nov 10 2016 22:58:14 MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 516180338 +E-mail/Text: bkr@cardworks.com Nov 10 2016 22:58:14 Merrick Bank, P.O. Box 30537, Tampa, FL 33630-3537
 516180340 +E-mail/Text: ebn@barnabashealth.org Nov 10 2016 22:59:27 Monmouth Medical Center, P.O. Box 29962, New York, NY 10087-9962
 516418023 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfolio-recovery.com Nov 10 2016 23:02:22 Portfolio Recovery Associates, LLC, c/o Barclaycard, POB 41067, Norfolk VA 23541

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 55

Date Rcvd: Nov 10, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

516389805 +E-mail/Text: JCAP_BNC_Notices@jcap.com Nov 10 2016 22:59:16 Premier Bankcard, Llc,
c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999
516212976 E-mail/Text: bnc-quantum@quantum3group.com Nov 10 2016 22:58:54
Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
Kirkland, WA 98083-0788
516380964 E-mail/Text: bnc-quantum@quantum3group.com Nov 10 2016 22:58:55
Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788,
Kirkland, WA 98083-0788
516272917 E-mail/Text: bnc-quantum@quantum3group.com Nov 10 2016 22:58:54
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
516352600 +E-mail/Text: bncmail@w-legal.com Nov 10 2016 22:59:12 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
516180351 +E-mail/PDF: gecseidi@recoverycorp.com Nov 10 2016 22:56:49 Walmart, P.O. Box 965024,
Orlando, FL 32896-5024

TOTAL: 19

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 12, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor MANUFACTURERS AND TRADERS TRUST COMPANY et al...
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com
Denise E. Carlon on behalf of Loss Mitigation Bank of America,NA dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
George E Veitengruber, III on behalf of Joint Debtor Rita Cianci Gveitengruberresq@gmail.com,
knapolitan015@gmail.com
George E Veitengruber, III on behalf of Debtor Giuseppe Cianci Gveitengruberresq@gmail.com,
knapolitan015@gmail.com
Hubert C. Cutolo on behalf of Creditor Fox Chase IV, Phase II Condominium Association, Inc.
hcutolo@cutololaw.com
Jordan Seth Blask on behalf of Creditor PNC Bank, National Association jblask@tuckerlaw.com,
agilbert@tuckerlaw.com;apetronchak@tuckerlaw.com

TOTAL: 8